

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES,  
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO: THE  
CONSOLIDATED SECURITIES ACTION

Case No. 2:05-CV-01151 (SRC) (MAS)  
Case No. 2:05-CV-02367 (SRC) (MAS)

**STIPULATION AND [PROPOSED] ORDER**

**WHEREAS**, on January 3, 2012, Magistrate Judge Michael A. Shipp entered a Scheduling Order (Docket No. 309) in this action;

**WHEREAS**, the Scheduling Order provides that any motion for class certification and supporting papers be filed no later than April 10, 2012, any oppositions to such motion be filed no later than August 13, 2012, and any reply in further support of such motion be filed no later than October 8, 2012 (or September 12, 2012 if no expert declaration is offered in opposition to a motion for class certification);

**WHEREAS**, the Scheduling Order did not address page limitations for the briefing regarding any motion for class certification; and

**WHEREAS**, the parties have conferred and stipulated to a set of page limits for the briefing of such motions;

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties, through their undersigned counsel, as follows:

1. Plaintiffs' opening brief in support of Plaintiffs' motion for class certification shall not exceed 25 pages, in 12 point Times New Roman proportional font;

2. Defendants' respective briefs in opposition to Plaintiffs' motion for class certification each shall not exceed 45 pages, in 12 point Times New Roman proportional font;

3. Plaintiffs' reply brief in further support of the motion for class certification shall not exceed 45 pages, in 12 point Times New Roman proportional font, unless Defendant Scolnick submits a separate brief in opposition to Plaintiffs' motion for class certification, in which case Plaintiffs' reply brief may exceed 45 pages by the same number of pages as contained in Defendant Scolnick's opposition brief, with those additional pages in Plaintiffs' reply brief limited to replying to Defendant Scolnick's opposition brief;

4. Plaintiffs' reply brief shall be limited to arguments and issues raised in Defendants' opposition papers. To the extent Plaintiffs raise arguments or issues that are not in response to arguments or issues raised in Defendants' opposition papers, Defendants may move to file a surreply brief, and Plaintiffs reserve the right to oppose any such motion and/or to move to respond to any such surreply. Should the Court grant Defendants' motion for a surreply, such surreply and any response thereto shall be of length as agreed upon by the parties or as ordered by the Court.

DATED: April 6, 2012

STIPULATED AND AGREED

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DATED: April 6, 2012

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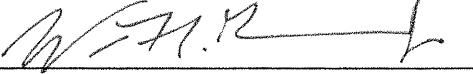
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DATED: April 5, 2012

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**SO ORDERED:** April\_\_\_\_, 2012

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Hon. Stanley R. Chesler  
United States District Judge